

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GRANT STREET GROUP, INC.)	
a Pennsylvania corporation,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. _____
)	
REALAUCTION.COM, LLC,)	JURY TRIAL DEMANDED
a Florida limited liability company,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Grant Street Group, Inc. (“Grant Street Group”) complains against the Defendant Realauction.com, LLC (“Realauction.com”) and alleges as follows:

THE PARTIES

1. Grant Street Group is a Pennsylvania corporation with its corporate headquarters and principal place of business located at 1800 Allegheny Building, 429 Forbes Avenue, Pittsburgh, PA 15219. Grant Street Group is in the business of, among other things, developing customized software applications used by governmental entities and financial institutions for internet auctions of financial and legal instruments.
2. Defendant Realauction.com is a limited liability company organized under the laws of the State of Florida with its principal place of business located at 861 SW 78th Avenue, Suite 102, Plantation, Florida 33324.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. The violations of law described in this Complaint have been and are being carried out by Defendant throughout the United States and in the Commonwealth of Pennsylvania and this judicial district. Upon information and belief, Defendant has conducted and is doing business throughout the United States including the Commonwealth of Pennsylvania and this judicial district. Venue in this judicial district is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENT

5. United States Patent No. 7,523,063 (the ‘063 Patent) entitled “Process and apparatus for conducting auctions over electronic networks” was duly and properly issued by the United States Patent and Trademark Office (“USPTO”) on April 21, 2009. The assignee of the ‘063 Patent is Muniauction, Inc., which is a fictitious name registration owned by Grant Street Group.

6. Grant Street Group owns and holds the exclusive right, title and interest in the ‘063 Patent, and has standing to bring suit and collect for any past or future damages for infringement of the patent. A true and correct copy of the ‘063 Patent is attached hereto and incorporated herein as Exhibit A.

COUNT ONE: PATENT INFRINGEMENT

7. The allegations in the previous paragraphs are referenced and incorporated as if set forth fully herein.

8. At no time has the Plaintiff licensed, assigned, or permitted the Defendant or any of its employees, agents, subsidiaries, affiliates and related companies the right to practice any of the legal rights granted under the ‘063 patent.

9. Defendant has infringed and continues to infringe the ‘063 Patent by making, using, importing, offering for sale and/or selling in the United States products or services that fall within one or more claims of the ‘063 Patent, or that perform or substantially perform the

same function or substantially the same function in the same manner with the same result as taught in the '063 Patent.

10. Realauction.com's infringement has occurred at least through the manufacture, use, sale or offer for sale of a process and apparatus for conducting auctions of fixed income financial and legal instruments over electronic networks that infringes claims of the '063 Patent.

11. Examples of Defendant's infringement include *inter alia* the sale of and offering for sale of products or services named *RealTaxLien* and *Real4close* to judicial districts across the United States, including this judicial district within the Commonwealth of Pennsylvania.

12. Realauction.com's infringement of the '063 Patents alleged above has injured Plaintiff and, thus, Plaintiff is entitled to recover damages adequate to compensate it for each of Realauction.com's wrongful acts of infringement, which in no event can be less than a reasonable royalty.

13. Defendant's infringement of the rights under the '063 patent will continue to damage the Plaintiff's business, causing irreparable harm, for which there is no adequate remedy at law, unless the Defendant is enjoined by this Court.

14. In April of 2009, Plaintiff began displaying a "patent pending" notice on its Internet web site, which web site utilizes the process and apparatus disclosed by the '063 Patent. Realauction.com has been aware of the '063 Patent since at least May of 2009 and has, nonetheless, continuously infringed the patent with knowledge of the patent's scope and application to its own auction system and services. As a consequence, Realauction.com's infringement has been willful and deliberate, entitling Plaintiff to enhanced damages under 35 U.S.C. § 284 and attorney fees and costs for prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Grant Street Group respectfully requests that judgment be entered against Defendant Realauction.com, and against its subsidiaries, affiliates and related companies for the following relief:

- A. An award of damages adequate to compensate Grant Street Group for infringement of the '063 Patent that has occurred, together with prejudgment interest and costs;
- B. All other damages permitted by 35 U.S.C. § 284, including increased damages up to three times the amount of compensatory damages found;
- C. An injunction against Defendant Realauction.com, enjoining it, its employees, agents, attorneys, privies, subsidiaries, affiliates and related companies, and all those in active concert or participation therewith, from the continued infringement of the '063 Patent;
- D. A finding that this case is exceptional and an award to Grant Street Group of its costs and reasonable attorneys' fees as provided by 35 U.S.C. § 285; and
- E. Such other and further relief as this court or a jury may deem proper and just.

JURY DEMAND

Grant Street Group demands a trial by jury of all issues.

Respectfully submitted,

GRANT STREET GROUP, INC.

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